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Letter dated 24 October 2012 from the Permanent Representative of Japan to the United Nations addressed to the President of the General Assembly

I have the honour to draw your attention to the statements delivered by Ambassador Kazuo Kodama, Deputy Permanent Representative of Japan, in exercising the right of reply to remarks made by Mr. Yang Jiechi, Minister for Foreign Affairs of the People's Republic of China, on 27 September 2012, in the General Assembly (see annex).

I should be most grateful if you could arrange to have the present letter circulated as a document of the General Assembly, under agenda item 8.

(*Signed*) Tsuneo **Nishida**
Ambassador
Permanent Representative of Japan to the United Nations

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Annex to the letter dated 24 October 2012 from the Permanent Representative of Japan to the United Nations addressed to the President of the General Assembly

(First statement made in right of reply)

My delegation would like to exercise its right of reply in response to the statement made by the representative of the People's Republic of China (PRC) on the issue of Senkaku Islands.

Prime Minister Noda, in his general debate statement, stressed that various issues of international society must be solved by reason and not by force. Also, he has repeatedly pointed out the importance of "rule of law", which is a basis for global peace, stability, prosperity, and any attempt to realize a country's ideology or claim by unilateral use of force or threat is inconsistent with the fundamental spirit of the United Nations Charter.

The Government of Japan made a Cabinet Decision in January 1895 to formally incorporate the Senkaku Islands into the territory of Japan, while the island of Formosa and the islands appertaining or belonging to it were ceded to Japan in accordance with the Treaty of Shimonoseki, which was signed in April 1895. Therefore it is clear that such an assertion that Japan took the islands from China cannot logically stand at the outset. In any case, from 1885, surveys of the Senkaku Islands had been thoroughly conducted by Japan. Through these surveys, it was confirmed that the Senkaku Islands had been not only uninhabited but had shown no trace of having been under the control of China. Based on this confirmation Japan formally incorporated the Senkaku Islands into the territory of Japan.

Japan renounced the territorial sovereignty over the island of Formosa (Taiwan) and the Pescadores ceded by China after the Sino-Japanese War, in accordance with article 2 (b) of the San Francisco Peace Treaty. However, it was made clear that the Senkaku Islands were not included in "the Formosa and the Pescadores", by the fact that the United States of America actually exercised administrative rights over the Senkaku Islands as part of the "Nansei Shoto (South West Islands)" in accordance with article 3 of the San Francisco Peace Treaty, and the Islands were explicitly included in the areas whose administrative rights reverted to Japan in 1972.

It has only been since the 1970s that the Government of China and Taiwanese authority began making its own assertions on territorial sovereignty over the Senkaku Islands, which constitute Japan's inherent territory. Until then, they had never expressed any objections to Japan, nor did they protest the fact that the Islands were included in the area over which the United States exercised administrative rights in accordance with article 3 of the San Francisco Peace Treaty.

The posture of easily attributing the difference of opinion to the past war is an action to evade the essence of the issue. It is not just unconvincing but also unproductive.

(Second statement made in right of reply)

There is no doubt that the Senkaku Islands are clearly an inherent territory of Japan, based on historical facts and international law. Indeed, the Senkaku Islands are under the valid control of Japan. China's own assertions have no grounds at all. In any case, there exists no issue of territorial sovereignty to be resolved concerning the Senkaku Islands.

I refrain from entering into a detailed rebuttal of the statement made by the delegation of PRC. The position of the Government of Japan on this issue is as stated before.